

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1338 be amended to read as follows:

- 1 Page 1, between lines 4 and 5, begin a new paragraph and insert:
- 2 "SECTION 2. IC 5-28-5-16 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2009]: **Sec. 16. (a) As used in this section, "recapture provision"**
- 5 **means language that requires the recipient of an incentive to repay**
- 6 **some part of the incentive.**
- 7 **(b) The corporation may waive or modify a recapture provision**
- 8 **of this article or an agreement made with a person to whom the**
- 9 **corporation has awarded an incentive, if the corporation**
- 10 **determines that the recipient of an incentive awarded by the**
- 11 **corporation has failed to meet a condition for receiving the**
- 12 **incentive because of circumstances beyond the recipient's control,**
- 13 **including:**
- 14 **(1) natural disaster;**
- 15 **(2) unforeseen industry trends;**
- 16 **(3) lack of available labor force; or**
- 17 **(4) loss of a major supplier or market."**
- 18 Page 4, line 3, after "Require" insert ",".
- 19 Page 4, line 3, after "incentive," insert "**subject to IC 5-28-5-16,**".
- 20 Page 4, line 35, delete "The" and insert "**Except as provided in**
- 21 **IC 5-28-5-16, the**".
- 22 Page 6, line 20, delete "The" and insert "**Except as provided in**
- 23 **IC 5-28-5-16, the**".
- 24 Page 6, line 21, strike "only".

- 1 Renumber all SECTIONS consecutively.
 (Reference is to HB 1338 as printed February 3, 2009.)

Representative Pelath